Group III : Claims 4-5 (in part), drawn to a peptide comprising substantially the same amino acid sequence as SEQ ID NO: 4;

Group IV : Claims 4-5 (in part), drawn to a "functional" peptide "fragment" of SEQ ID NO: 4;

Group V : Claims 7-8 (in part), drawn to a peptide comprising substantially the same amino acid sequence SEQ ID NO: 6;

Group VI : Claims 7-8 (in part), drawn to a "functional" peptide "fragment" of SEQ ID NO: 6;

Group VII : Claims 10-11 (in part), drawn to peptide comprising substantially the same amino acid sequence as SEQ ID NO: 8;

Group VIII: Claims 10-11 (in part), drawn to a "functional" peptide "fragment" of SEQ ID NO: 8;

Group IX : Claim 3 (in part), drawn to a nucleic acid comprising substantially the same nucleic acid sequence as SEQ ID NO: 1;

Group X : Claim 3 (in part), drawn to a nucleic acid "fragment" of SEQ ID NO: 1;

Group XI : Claim 6 (in part), drawn to a nucleic acid comprising substantially the same nucleic acid sequence as SEQ ID NO: 3;

Group XII : Claim 6 (in part), drawn to a nucleic acid "fragment" of SEQ ID NO: 3;

Group XIII: Claim 9 (in part), drawn to a nucleic acid comprising substantially the same nucleic acid sequence as SEQ ID NO: 5;

Group XIV : Claim 9 (in part), drawn to a nucleic acid "fragment" of SEQ ID NO: 5;

Group XV : Claim 12 (in part), drawn to a nucleic acid comprising substantially the same nucleic acid sequence as SEQ ID NO: 7;

Group XVI : Claim 12 (in part), drawn to a nucleic acid "fragment" of SEQ ID NO: 7;

Group XVII: Claims 13 (in part), 14 and 15 drawn to a library compromised of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 9;

Group XVIII: Claims 13 (in part), 14 and 15, drawn to a library compromising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 9;

Group XIX : Claims 13 (in part), 14 and 16 drawn to a library compromised of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 10;

Group XX : Claims 13 (in part), 14 and 16, drawn to a library comprising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 10;

Group XXI : Claim 13 (in part), 14 and 17 drawn to a library comprising of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 11;

Group XXII: Claim 13 (in part), 14 and 17, drawn to a library comprising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 11;

Group XXIII: Claim 13 (in part), 14 and 18 drawn to a library comprising of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 12;

Group XXIV: Claim 13 (in part), 14 and 18, drawn to a library comprising "functional fragments"of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 12;

Group XXV : Claim 13 (in part), 14 and 19 drawn to a library comprising of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 13;

Group XXVI: Claim 13 (in part), 14 and 19, drawn to a library comprising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 13;

Group XXVII: Claim 13 (in part), 14 and 20 drawn to a library comprising of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 14;

Group XXVIII: Claim 13 (in part), 14 and 20, drawn to a library compromising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 14;

Group XXIX: Claim 13 (in part), 14 and 21 drawn to a library comprising of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 15;

Group XXX : Claim 13 (in part), 14 and 21, drawn to a library comprising "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 15;

Group XXXI: Claim 22 (in part) and 23 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 9;

GroupXXXII: Claim 22 (in part) and 23 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 9;

Group XXXIII: Claim 22 (in part) and 24 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 10;

Group XXXIV: Claim 22 (in part) and 24 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO:. 10;

Group XXXV: Claim 22 (in part) and 25 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 11;

Group XXXVI: Claim 22 (in part) and 25 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 11;

Group XXXVII: Claim 22 (in part) and 26 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 12;

Group XXXVIII: Claim 22 (in part) and 26 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 12;

Group XXXIX: Claim 22 (in part) and 27 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 13;

Group XL: Claim 22 (in part) and 27 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 13;

Group XLI: Claim 22 (in part) and 28 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 14;

Group XLII: Claim 22 (in part) and 28 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 14;

Group XLIII: Claim 22 (in part) and 29 drawn to a library of nucleic acids encoding "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 15;

Group XLIV: Claim 22 (in part) and 29 drawn to a library of nucleic acids encoding "functional fragments" of "variant" peptides comprising "at least one amino acid alteration of SEQ ID NO: 15;

Group XLV : Claim 30-34 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a peptide of SEQ ID NO: 2;

Group XLVI: Claim 30-34 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a "functional fragment: of the peptide of SEQ ID NO: 2;

Group XLVII: Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a peptide of SEQ ID NO: 4;

Group XLVIII: Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a "functional fragment" of the peptide of SEQ ID NO: 4;

Group XLIX: Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a peptide of SEQ ID NO: 6;

Group L : Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a "functional fragments" of the peptide of SEQ ID NO: 6;

Group LI : Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a peptide of SEQ ID NO: 8; and

Group LII : Claim 35-39 (in part), drawn to treating cocaine-induced conditions by administering or contacting substrates with a "functional fragment" of the peptide of SEQ ID NO: 8.

Furthermore, if Applicants elect any of the above Groups that recite either functional peptide fragments or nucleic acid fragments, the Office Action requires that Applicants make a further election of a species in the form of a single sized nucleic acid or peptide fragment.

The Restriction Requirement is traversed with respect to the division of Group I from Group II, Group III from Group IV, Group V from Group VI, Group VII from Group VIII, Group IX from Group X, Group XI from Group XII, Group XIII from Group XIV, Group XV from Group XVI, Group XVII from Group XVIII, Group XIX from Groups XX through XXX, Group XXXI from Groups XXXII through XLIV, Group XLV from Group XLVI, Group XLVII from Group XLVIII, Group XLIX from Group L, and Group LI from Group LII. Nevertheless, in order to be responsive to the Office Action, Applicants elect the invention of Group I, claims 1-2 (in part), directed to a peptide comprising substantially the same amino acid sequence as SEQ ID NO: 2. While traversing the restriction requirement with regard to each of the claim groups as set forth above, Applicants' arguments below are directed to the traversal of elected Group I from Group II.

Two separate requirements must be met in order for restriction to be proper. First, the inventions must be independent or distinct. Secondly, there must be a serious burden on the Examiner if restriction is required. *See, for example*, MPEP 803 (Restriction-When Proper).

Applicants submit that, while the claims of Group I are patentably distinct from the claims of Group II, a thorough search of the elected claims of Group I will include art relevant to the claims of Group II. In particular, the claims of Groups I and II are directed to the butyrylcholinesterase variant polypeptide comprising substantially the same amino acid sequence as SEQ ID NO: 2 and its corresponding functional fragments. Notably, Groups I and II have been classified together in class 530 and subclass 324. Applicants submit that search and examination of the Groups I and II together does not pose a serious burden to the Examiner.

With regard to the election of a species in the form of a single sized nucleic acid or peptide fragment, Applicants respectfully submit that this species election has been rendered moot by Applicants' election of Group I, which is not directed to either nucleic acid or peptide fragments. Should the Examiner reconsider the Restriction and rejoin Groups I and II as requested herein, Applicants will address the species election at that time.

In sum, a thorough search of the butyrylcholinesterase variant polypeptide of Group I likely will result in art relevant to examination of the corresponding functional fragments of Group II. Thus, Applicants submit that it would not present a serious burden for the Examiner to search and examine the claims of Groups I and II together. Accordingly, Applicants respectfully request that the Examiner reconsider the Restriction Requirement.

II. CONCLUSION

In view of the remarks submitted herein, elect the invention of Group I, claims 1-2 (in part), directed to a peptide comprising substantially the same amino acid sequence as SEQ ID NO: 2. Applicants further request that the Examiner reconsider the Restriction Requirement and also examine Group II, such that claims 1 and 2 are examined together in their entirety.

The Examiner is invited to call the undersigned attorney or Cathryn Campbell if there are any questions regarding this application.

Respectfully submitted,

November 27, 2002
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